Meeting Minutes of
Board of Zoning Appeals
Held November 7, 2019

Members Present: Young, Norton, Burke, Miller, Bruno, Gess
Excused: Tyo
Also Present: Eric Tuck-Macalla (Building Director)
Audience: Kyle Phelps, Maggie Calvin, Kim Zdanowiz, Vince Dilonno, Mark Perrie and Darby Svoboda

*Full recording of the meeting is permanently available on the City of Bay Village website under City Government/Board of Zoning Appeals.

Mr. Norton called the meeting to order at 7:30 p.m.

Motion by Mr. Burke, second by Mr. Gess to approve the minutes of the meeting held October 17, 2019, as prepared and distributed.

Motion passed 6-0.

Stephen Shill
On behalf of Tammy Rae Morikis
24300 Lake Road
(Tabled on October 17, 2019)

The applicant is requesting a variance per C.O. 1121.42-(Special permit) to construct an address marker.

Mr. Norton discussed the second agenda item and explained that the Board had discussed this in the last meeting and had requested some additional information. He asked if there was discussion.

Mr. Burke had a question regarding the drawing and the submission. He clarified that the width of the base of the address marker was around 11’.

Mr. Norton stated that per the drawing it appears to be 10’8”.

Mr. Burke asked what the height of the marker was with the capstone.

Mr. Shill stated it was around 3’9”.

Mr. Norton clarified that it is 10’ behind the sidewalk.

Ms. Young clarified it was 6’ from the driveway.
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Mr. Norton stated that normally they like to make sure there is a distance of a minimum of 10’ to the sidewalk so you can see a tricycle coming along.

Mr. Burke asked if they are planning on any sort of shrubbery between the sign and the sidewalk.

Mr. Shill stated that if they have anything, it would be like the drawing and low to the ground. They would not want to cover the address.

Mr. Burke clarified the address monument is going to be north/south.

Mr. Tuck-Macalla stated that if something too tall and close to the sidewalk/driveway were to occur the Building Department would send them a violation letter before it could get established.

Mr. Gess stated that this is consistent with the intent but if there was shrubbery added north and south it would extend the obstruction.

Mr. Shill stated that there is no intention to plant any shrubbery north or south.

Motion by Mr. Bruno, second by Mr. Burke that the property at 24300 Lake Road be granted a special permit per C.O. 1121.42 to construct an address marker per the drawings and renderings as prepared and submitted.

Roll Call Vote:
Yeas – Young, Norton, Burke, Miller, Bruno, Gess
Nays-

Motion Carried 6-0

Kyle Phelps
27930 W. Oviatt Road

The applicant is requesting a variance per C.O. 1163.05-(Fence regulations) to install a privacy screen 30’ longer than permitted.

Mr. Norton discussed the third agenda item and explained that the Board has had the opportunity to visit the site and review plans.

Mr. Norton stated that the lot is a little unusual which makes the property unique in the way it is sited on the corner and the way it adjoins to the lot behind them. The Board has to be very careful in setting a precedent more than what the ordinance allows. He did not see where they had the exact dimension from the garage to the right. He can see where the backyard is right adjacent to the neighbor’s backyard and that is obviously where a privacy fence would be useful, from the garage to the right. 32’ doesn’t quite get them to the end of their fence. He asked if they knew more precisely what that dimension were.

Ms. Calvin stated that it would be another 4’ in that direction and another 4’ parallel with that.
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Mr. Norton explained that 32’ is allowed and a total of 36’ would get them to the corner and another 4’ to close it off to the house. The 4’ is not in question in the 10% rule. 32’ is allowed in one direction. The request might really be for an additional 5’.

Ms. Calvin explained that there is another section of fencing near the neighbor’s garage.

Mr. Norton stated that he fails to see the need of high fence there on a privacy level. He thinks it should be dropped down to the 4’ level that is allowed.

Ms. Calvin stated that the only thing they were hoping for on that side is continuity instead of dropping down in the middle, they would drop down in the corner where the two meet.

Mr. Burke explained that the Board of Zoning Appeals cannot really legislate. That is up to City Council. If City Council has adopted an ordinance that makes certain limits, the Board has to stick to the intent of that. The Board can make small changes around the edges of the ordinance but not major changes. In this case, the applicant is asking for almost 100% increase from the 32’. He has some concern since City Council just recently gave a lot of consideration to the length of privacy fences and elected to stay where they were.

Mr. Phelps mentioned that it is an abnormal lot and they went on google maps trying to find other similar houses. He wanted the Board to consider that as well.

Mr. Burke discussed that the additional 4’-5’ would certainly take care of blocking the view of their neighbor’s open garage door all the way up to the corner of their house. (along the northeast lot line) He asked if they would consider amended the request and instead of 30’ they would ask for an additional 5’.

Ms. Calvin clarified that that would take care of the east side of the property.

Mr. Norton stated that it would take care of the east side and help with not having a transition on both sides. He assumed that some of the other fencing will be replaced with 4 version of fencing. There would only be one graduated transition going from 6’ to 4’ within one 8’ section.

Mr. Norton stated that would be a compromise that the Board may consider.

Mr. Bruno stated that the Board has allowed that in the past. The fencing transition comes in 8’ sections.

Mr. Burke clarified the transition piece would be at the north end towards the back corner of the lot.

Ms. Calvin clarified they planned to have a shadow paneled fence and replace what was currently in their backyard.
Ms. Calvin stated that the fencing near the garage is not for privacy as much as for continuity and if they had to have a transition piece in that area, they understand.

Mr. Norton stated that the variance would be for 5’ of a 6’ privacy fence instead of the 30’ that was requested with a transition panel.

Mr. Burke repeated the amended request for the applicant to agree to and be voted on. The new proposal would be for a variance of 5’ of additional 6’ privacy fence along the north east lot line and a transitional panel not to exceed 8’ in length at the far north end of the fence.

Mr. Phelps wondered about the additional 4’ coming back towards the house.

Mr. Norton explained that they wouldn’t need a variance for that because that is included in the 10% perimeter rule and it is going in a different direction.

Ms. Calvin agreed to the amended variance request.

**Motion** by Burke, **second** by Bruno to grant the property at 27930 W. Oviatt Road a variance per C.O. 1163.05 of 5’ to the maximum length of privacy fence along the north east lot line of the subject property and the addition of a transitional panel going from 6’ in height to 4’ in height on north end of the fence, not to exceed 8’ in length.

**Roll Call Vote:**
**Yeas** - Young, Norton, Burke, Miller, Bruno, Gess
**Nays** -
**Motion Carried 6-0**

Bishop and Clarke Abel
22701 Lake Road

Mr. Norton discussed the fourth agenda item.

Mr. Ken Lurry, Owner of Normandy Senior Living, introduced himself. He also introduced Kim Zdanowiz, director of marketing and Vince Dilonno from Blink Signs. He stated that they also had the water company in attendance on their behalf.

Mr. Dilonno explained that at the corner of Clague and Lake Road where the road dead ends, they are looking to put a single sided posted panel with the Normandy logo and name and a simple arrow pointing in the direction of their main entrance. They have updated every sign on the property and the proposed sign will be in line with the new ones. It is a simple way finding sign for people who are trying to find the property. He explained that the sign will be on the Water Company’s property and they have agreed to allow them to put it there. They have letters

The applicant is requesting an appeal pursuant to C.O. 1127.03-(Appeals) for the denial to install a sign on the Cleveland Water Department property near the corner of Clague and Lake Roads in Bay Village.
stating that they have permission to do so. They want to make it easy for everyone to find their business.

Ms. Young asked if there have been issues with finding the property.

Ms. Zdanowiz stated that there have been some issues especially when the residents themselves are trying to navigate. They have agreed to maintain that area of property with foliage and trimming throughout the year. They also agreed to an annual donation to a charitable water organization to maintain the integrity of water to give back.

Ms. Young asked if there was similar signage coming from the other direction on the east side.

Mr. Lurry explained that there is not but the main road when you get off of 90 is Clague Road and which is why they are primarily concerned about the people who get off the highway.

Ms. Zdanowiz explained that they were also looking at the area by Sperry and Clague.

Mr. Dilonno stated that they have had some conversations with ODOT in regard to the placement of the sign. The original proposal was to have three signs but the placement of where Sperry, Clague and the highway all sit makes it hard to find anywhere that is open to the public. ODOT cannot allow the signage. The proposed location is the only place where they could find a place for signage.

Mr. Burke asked if the Normandy Center was for profit.

Mr. Lurry stated that it is.

Mr. Burke explained that the Board needs to be careful of setting precedent. He asked if this were granted, what would prevent any business in town from saying that they would like to put a sign up down the road from where their business is and the owner of that property being okay with it.

Mr. Miller discussed the Knickbocker facility which is similar and it not having any way finding signage. You either know the address or you don’t.

Mr. Norton discussed O’Neil’s nursing home being the same as well. He stated that one of the difficulties is that there are ordinances and they state what you can and cannot do. But when you don’t own your property, then it is like opening up Pandora’s Box to say to every business it is allowed. He stated that it is a nice looking sign but because it is not their property the Board would be hard pressed to legally be able to grant it.

Mr. Miller asked if they had talked to Rocky River about improving the monument sign that is at the entrance to the facility.
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Mr. Dilonno stated that he does not think that is the problem, it is more about trying to find the facility when you get off the exit. A lot of the people going to the facility are not necessarily technology driven.

Mr. Dilonno asked if the Water Department was to apply for a sign permit on their property, would that be something that could get approved.

Mr. Burke stated that they would still have the same issue. A business cannot be advertised on a property different from where they are located. Also, the business is not in Bay Village.

Mr. Bruno stated that a person finding their way from Clague Road has a 50/50 shot of turning right or left to get to the facility. If there was concern about navigating, you would want it at the end of the exit at Clague and 90. He seconded Mr. Burke and Mr. Miller’s comments.

Mr. Miller asked how long the facility has been in operation.

Mr. Lurry stated that it has been in operation since 1982 but they just built a new assisted living in the back of the property about 6 months ago. It is a full care facility.

Mr. Miller explained that in the 80’s people used maps to get around as opposed to our smartphones that we walk around with every day. He cannot see the justification for putting a sign on the Water Department’s property that advertises their location.

Mr. Lurry stated that it makes sense. He discussed O’Neil’s facility and mentioned that he thought he saw way finding signs.

Mr. Burke asked if the way finding signs were located in Bay Village.

Mr. Miller stated that they would have had to have the permission from the Board of Zoning Appeals.

Ms. Zdanowiz stated that it is more of generic blue plane sign with white lettering like an ODOT type of sign that says “O’Neil this way”.

Mr. Burke asked where it was located.

Ms. Zdanowiz was not sure where it was exactly located.

Mr. Norton discussed the one sign he could think of that has been there forever by Cahoon Nursery.

Mr. Gess clarified they spoke to ODOT.

Mr. Dilonno explained that when they spoke with ODOT their original proposal was to put it right at the exit off 90 and Clague. The only place they could have put it was across the street.
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when you first get off the highway. With all the trees on Sperry, it would have gotten lost. They 
would prefer the signage right on Clague at the off ramp but ODOT would not allow it.  

Mr. Norton stated that the only signs ODOT does allow is the cluster of signs pointing to food, 
lodging and gas stations. He is hard pressed to allow the signage.  

Mr. Burke stated that the ordinance is pretty clear prohibiting it as well.  

Ms. Young asked who is having trouble getting to the facility.  

Ms. Zdanowiz stated that sometimes it is the residents who are having trouble finding the facility 
but mostly people who are inquiring about the facility.  

Mr. Dilonno stated that it has happened often enough for them to be sitting here at the meeting.  

Mr. Norton stated that it may be a problem that is diminishing because other than super old 
people, everybody uses their phone.  

Mr. Norton asked if there was further discussion or a motion.  

Mr. Burke explained that on the agenda, this particular matter is actually an appeal of a denial 
from the Building Department as opposed to an original request for a Special Permit or a 
variance. They will have to make their proposal in the positive.  

Motion by Mr. Burke, second by Mr. Bruno that the Board grant Normandy Senior Living’s 
appeal of the decision of the City Building Department denying them the ability to put a sign on 
Water Company’s property at Clague and Lake Road.  

Roll Call Vote:  
Yea –  
Nays- Young, Norton, Burke, Miller, Bruno, Gess  
Motion Carried 6-0  

Mr. Dilonno asked if the City had regulations against yard signs or temporary signage.  

Mr. Burke stated that there are regulations regarding temporary signage.  

Mr. Dilonno stated that he will look into that.  

Mr. Burke asked if the sign that is at the front of the facility was new or going to be replaced.  

Mr. Dilonno explained that they replaced all the signage on the whole campus with the addition 
of new way finding signs because it has gotten larger. The sign is the front has new panels.  

Mr. Burke stated that they are very difficult to read.  

There being no further business to discuss the meeting adjourned at 8:03 p.m.
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Jack Norton

Kateri Vincent, Secretary